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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MATTHEW WEINBERG,
RABBI DOVID GUREVICH,
NIR HOFTMAN,
ELI TSIVES.

Plaintiffs,

V.

NATIONAL STUDENTS FOR JUSTICE
IN PALESTINE, JOHN DOE #1,
PRESIDENT OF THE UCLA CHAPTER
OF SJP, AJP EDUCATIONAL
FOUNDATION, INC., D/B/A
AMERICAN MUSLIMS FOR
PALESTINE, OSAMA ABURSHAID,
HATEM AL-BAZIAN, FACULTY FOR
JUSTICE IN PALESTINE NETWORK,
UC DIVEST COALITION, WESPAC
FOUNDATION, PEOPLE'S CITY
COUNCIL,

Defendants

Case No.: 2:25-cv-03714 MCS (JCx)

**PLAINTIFFS' REPLY MEMORANDUM
IN SUPPORT OF MOTION FOR
EXTENSION OF TIME TO SERVE AND
TO SERVE BY PUBLICATION**

Date: August 25, 2025
Time: 9:00 A.M.
Courtroom: 7C

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REPLY

It is now clear that National Students for Justice in Palestine (NSJP or SJP) has actual knowledge of this action. On July 21, 2025, after receiving a third request from Plaintiffs that SJP waive service, counsel for SJP in *Parizer v. AJP Educational Foundation, Inc.*, No. 24-cv-724 (E.D. Va.), responded: “We do not know if NSJP has retained other counsel for the case about which you are writing us. We do know that we have not been retained, and are therefore without authority to accept your offer of waiver of service. Should that change we will let you know.” *See* Dkt.43-2 (Grouev Decl.) ¶3 & Ex.B at 5. Counsel has since specially appeared for SJP in this action, removing any doubt that SJP is aware of Plaintiffs’ claims. *See* Opp. But rather than comply with its “duty to avoid unnecessary expenses of serving the summons” by waiving service, Fed. R. Civ. P. 4(d)(1), SJP has elected to challenge whether Plaintiffs have been reasonably diligent in attempting to effect service and whether Plaintiffs have offered evidence that a cause of action exists against SJP. Because Plaintiffs have satisfied the requirements of California Code of Civil Procedure §415.50, the Court should grant Plaintiffs’ motion and authorize service by publication on SJP.

ARGUMENT

I. Plaintiffs Have Exercised Reasonable Diligence.

The “reasonable diligence” standard under §415.50 is context specific. *See Rios v. Singh*, 65 Cal. App. 5th 871, 880 (Ct. App. 2021). Thus, a court’s determination of whether the standard is met “depends on the facts,” *id.*, and “[n]o single formula nor mode of search can be said to constitute due diligence in every case,” *Donel, Inc. v. Badalian*, 87 Cal. App. 3d 327, 333 (Ct. App. 1978). The inquiry is also informed by the underlying fact that service by publication alone “rarely results in actual notice.” *Rios*, 65 Cal. App. 5th at 880; *see also Watts v. Crawford*, 896 P.2d 807, 811 n.5 (Cal. 1995) (explaining that “constitutional principles of due process of law” influence when service by publication is appropriate). In short, the question is whether the court is satisfied that the plaintiff ““took those steps which a reasonable person who truly desired to give notice would have taken

1 under the circumstances.”” *Wells Fargo Bank, N.A. v. Nangong*, 2023 WL 3555477, at *1
2 (C.D. Cal. Mar. 28) (Scarsi, J.). Generally, “[a] number of honest attempts to learn the
3 defendant’s whereabouts through inquiry and investigation” is enough. *Rios*, 65 Cal. App.
4 5th at 880.

5 The gravamen of SJP’s opposition is that Plaintiffs’ efforts to serve it have been
6 limited to “[s]ending emails to general email addresses associated with Defendant or its
7 lawyers in wholly separate cases” and “[c]ontacting co-defendants for information about
8 Defendant.” Opp.3. SJP further claims that Plaintiffs failed to “conduct basic research
9 about where the Defendant might be served” and “made no effort to identify any officers,
10 managing agents, or authorized agents of Defendant who could accept service.” Opp.4.
11 But that is wrong. Mr. Grouev’s unrebuted declaration describes the extensive steps
12 Plaintiffs took to accomplish service. *See* Grouev Decl. Plaintiffs “attempted to locate a
13 ‘last known address’ for SJP” at which the organization could be served, but could not do
14 so, “even after a comprehensive search of publicly available information.” Mot.4 (citing
15 Grouev Decl. ¶7). Plaintiffs also “conducted extensive research to ascertain SJP’s
16 organizational structure, including seeking the identities of any officers or directors it may
17 have.” Mot.6 (citing Grouev Decl. ¶¶4-7 & Exs.D-G). But Plaintiffs were “unable to
18 identify any officer or other person who could accept service on behalf of SJP.” Grouev
19 Decl. ¶6. That was no surprise, because SJP is “led by an anonymous ‘steering committee’
20 that makes high-level decisions that then filter down to individual chapters.” *Id.* “The
21 identities of the steering committee’s members do not appear to be publicly available.” *Id.*
22 As Plaintiffs explained, *see* Mot.4 (collecting cases), many litigants seeking to hold SJP
23 accountable have faced similar difficulties, especially with respect to identifying current
24 members of the steering committee, *see* Grouev Supp. Decl. ¶3 & Ex.AA (letter from
25 plaintiff’s counsel in *Horowitz v. AJP Educational Foundation, Inc.*, No. 25-cv-3412
26 (ALC) (S.D.N.Y), explaining that Horowitz has been able to locate only individuals
27 “previously … acknowledged” to have served on the steering committee some time
28 before).

1 Although SJP has not specifically identified whom it thinks Plaintiffs should have
2 attempted to serve or where Plaintiffs should have attempted to serve them, it appears to
3 contend that reasonable diligence requires inevitably ineffective attempts to serve
4 individuals previously identified as members of the steering committee. *See Opp.5.*
5 “[U]nder the circumstances,”” *Wells Fargo Bank, N.A.*, 2023 WL 3555477, at *1, that
6 argument fails. For starters, there is no indication that any of the handful of previously
7 identified steering committee members is *currently* serving on the committee and thus can
8 accept service on behalf of SJP. *See Cal. Civ. Proc. Code §416.40(b); Fed. R. Civ. P.*
9 4(h)(1)(B). One such individual was identified by the *Parizer* plaintiffs roughly ten
10 months before Plaintiffs filed this action. *See Dkt.44-1 (Kleiman Decl.) ¶2 & Ex.1 at 6.*
11 Two others, whose previous affiliations are based on a December 15, 2023 article in the
12 *New Yorker*, *see Grouev Supp. Decl. ¶3 & Ex.BB at 12*, are even further removed. Yet
13 SJP refuses to confirm that even one of these individuals is currently authorized to accept
14 service on its behalf. *See Opp.* And there is reason to believe that the steering committee
15 regularly cycles through members as part of SJP’s broader strategy of maintaining
16 operational secrecy and avoiding accountability in court. *Cf. Grouev Supp. Decl. ¶3 &*
17 *Ex.CC* (social media post from SJP’s “[o]fficial account” advertising applications to join
18 the steering committee in June 2023). That SJP has adopted this convoluted and opaque
19 organizational structure should not, and does not, make the organization immune from
20 suit.

21 As SJP acknowledges, the district court in *Parizer* ordered service by publication.
22 *Opp.5.* There, the plaintiffs identified an individual they believed to be a then-current
23 member of the steering committee, then tried (and failed) to serve that individual at his
24 parents’ address. *Kleiman Decl. ¶2 & Ex.1 at 39-40.* In this case, SJP appears to argue that
25 Plaintiffs, before filing their motion, were required to try to accomplish service by the
26 same means on the same individual, only to fail just like the plaintiffs in *Parizer* and
27 *Horowitz* did. *See Kleiman Decl. ¶2 & Ex.1 at 39-40 (Parizer); Grouev Supp. Decl. ¶3 &*
28 *Ex.AA (Horowitz).* That makes no sense, especially when the individual has demonstrated

1 an independent pattern of evading service and there is no question that SJP already has
2 actual notice of this action. *See e.g., Est. of Smith v. City of San Diego*, 2017 WL
3 3175975, at *4 (S.D. Cal. July 19); *cf. Rios*, 65 Cal. App. 5th at 880.¹ In any event,
4 Plaintiffs have been unable to discover the identities of *any* of the current members of the
5 steering committee, despite extensive research into SJP’s organizational structure. Mot.6.

6 SJP does not say how Plaintiffs should have gone about trying to identify its current
7 officers or agents, beyond what Plaintiffs did. It refuses to confirm whether any of the
8 handful of individuals who have previously identified themselves as members of the
9 steering committee continue to sit on the committee today such that efforts to serve SJP
10 through them would even be possible. And despite several concurrent suits in which SJP
11 has been named as a defendant, no plaintiff appears to have successfully effected service
12 on SJP outside of a waiver or court-ordered service by publication. In the light of SJP’s
13 pattern of “systematic secrecy” and “structural evasiveness of service,” Grouev Decl. ¶3
14 & Ex.AA, and the practical reality that SJP has actual knowledge of this action, Plaintiffs
15 have demonstrated “reasonable diligence” under California Code of Civil Procedure
16 §415.50.

17 **II. Plaintiffs Have Established that a Cause of Action Exists against SJP.**

18 The declarations of Plaintiffs Nir N. Hoftman and Matthew Weinberg are
19 independent evidentiary support showing that “[a] cause of action exists against” SJP. Cal.
20 Civ. Proc. Code § 415.50(a)(1). “SJP played a critical role in a conspiracy to deprive both
21 men of their civil rights as Jews.” Mot.6. “SJP was the primary organizer of a virulently
22 antisemitic campus encampment,” and helped expand it. *Id.* (citing Hoftman Decl. ¶¶3, 8;
23 Weinberg Decl. ¶¶3-6). It “deployed the ‘checkpoints’ and ‘human phalanxes’ that

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25 ¹ SJP also cites the plaintiff’s efforts in *Manhart v. AJP Educational Foundation*, No. 24-cv-
26 8209-MMR-KHH (N.D. Ill.), to serve an individual defendant (Simone Tucker) allegedly affiliated with
27 a different organization (Jewish Voice for Peace, or JVP) by alternative means. *See Opp.5.* But that
motion had nothing to do with service on JVP, which promptly appeared because, unlike SJP, it is a
California corporation easily served via its registered agent. *See Grouev Supp. Decl. ¶3 & Ex.DD* (JVP
proof of service). If anything, *Manhart* supports Plaintiffs’ arguments because it shows that SJP only
selectively complies with its duty to minimize costs under Rule 4(d)(1) by waiving service. *See Grouev*
Supp. Decl. ¶3 & Ex.EE (SJP waiver).

1 ensured Jews could not access public spaces without risking a violent encounter with
2 antisemitic thugs.” Mot.7 (citing Weinberg Decl. ¶¶3-6; Hoftman Decl. ¶¶5-6). Hoftman
3 was assaulted and robbed by members of the encampment, and both he and Weinberg had
4 to avoid the “occupied” area out of fear for their safety. *See id.* Both men have knowledge
5 of SJP’s role in the encampment. *See* Hoftman Decl. ¶3; Weinberg Decl. ¶3. These and
6 other facts set forth in the declarations show, at a minimum, that Plaintiffs have a cause of
7 action against SJP under 42 U.S.C. §1985(3).

8 The opposition ignores these declarations. *See* Opp.5-6 (asserting that Plaintiffs
9 have not submitted evidentiary support by individuals with personal knowledge of
10 essential facts). SJP also claims that Plaintiffs’ complaint is conclusory, and that the
11 motion should thus be denied based on this Court’s order in *Chrome Hearts LLC v.*
12 *Goodluck SD LLC*, No. 2:22-cv-05918-MCS-GJS (Dec. 8, 2022). Grouev Supp. Decl. ¶3
13 & Ex.FF (reproducing order). But in that case, the plaintiff at first failed to submit *any*
14 sworn statement showing the existence of a cause of action. *See id.* The Court gave the
15 plaintiff additional time to supplement the motion with sworn statements, and after
16 plaintiff did so, the Court allowed service by publication. Grouev Supp. Decl. ¶3 &
17 Ex.GG. SJP’s argument that Plaintiffs’ complaint sets forth only conclusory allegations
18 against it can be raised on a motion to dismiss after counsel for SJP enters an ordinary
19 appearance. *See Wells Fargo Bank, N.A.*, 2023 WL 3555477, at *2 (granting service by
20 publication “[w]ithout opining on the sufficiency of the Complaint under Rule 8(a) or the
21 merits of Plaintiff’s claims”). That argument is no reason to deny this motion for service
22 by publication, which is supported by two sworn declarations establishing the existence of
23 at least one cause of action against SJP.

24 **CONCLUSION**

25 Plaintiffs respectfully request that the Court enter an order allowing them to serve
26 SJP by publication and extending the time for service for six weeks after entry of the
27 publication order, or for any other period the Court deems appropriate.
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1 Dated: August 11, 2025

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3 Respectfully submitted,

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2 **CERTIFICATE OF COMPLIANCE**
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4 The undersigned counsel of record for Plaintiffs certifies that this brief contains 1,851
5 words, which complies with the word limit of L.R. 11-6 and this Court's Standing Order,
6 Dkt.28 at 8, for reply memoranda of points and authorities.
7

8 Dated: August 11, 2025
9

10 /s/ Thomas R. McCarthy
11 Thomas R. McCarthy
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